

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 96-6034**

---

JEROME LOUIS DAVIS,

Plaintiff - Appellant,

versus

M. J. BITTENBENDER, Detective; LIEUTENANT  
MCKOY; SHERIFF ROBERTS; MAJOR ADAMS,

Defendants - Appellees,

and

SHERIFF MICHAELS; MAGISTRATE POWHATAN COUNTY;  
CAPTAIN CARSON,

Defendants.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. David G. Lowe, Magistrate Judge. (CA-95-90-4)

---

Submitted: May 31, 1996

Decided: July 2, 1996

---

Before WIDENER, WILKINS, and HAMILTON, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

---

Jerome Louis Davis, Appellant Pro Se. Alan Brody Rashkind, FURNISS, DAVIS, RASHKIND & SAUNDERS, Norfolk, Virginia; Richard David Caplan, CITY ATTORNEY'S OFFICE, Hampton, Virginia; John Adrian Gibney, Jr., Bradley Brent Cavedo, SHUFORD, RUBIN & GIBNEY, Richmond, Virginia, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Jerome Davis appeals from a jury verdict in favor of the Defendant on his 42 U.S.C. § 1983 (1988) claim, alleging that the magistrate judge erred in several pre-trial rulings.<sup>1</sup> We affirm.

Davis claims that the magistrate judge erred by: (1) failing and/or refusing to subpoena requested witnesses; (2) denying Davis' motion to sever the trial; (3) denying Davis' motion for continuance; (4) denying Davis' motion for appointment of counsel; (5) not "intertain[ing] [Davis'] motion of objection to certain jury instructions;" and (6) allowing the defense to use Davis' criminal conviction. Our review reveals no error in the magistrate judge's rulings. Davis also alleges that some of the jury members were asleep during portions of his trial and that the magistrate judge used "scare tactics" to keep him from objecting. We find these scant allegations, without more, insufficient to warrant reversal of the jury's verdict. Accordingly, we affirm the jury verdict in favor of the Defendant.<sup>2</sup> We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

---

<sup>1</sup> All parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c) (1988).

<sup>2</sup> We also deny Davis' motion to compel prison officials at Greenville Correctional Center "to either assist [him] with his ongoing litigation . . . or release him back to the general population" as moot for the reason that Davis is no longer incarcerated at Greenville Correctional Center.